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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

H. Tsujimoto et al.

Serial No. 09/822,926

Filing Date: March 30, 2001

Title: MATERIAL FOR POSITIVE
ELECTRODE AND SECONDARY
BATTERY

Examiner: Jonathan Crepeau

Group Art Unit No.: 1746

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

I, Yoshikatsu Yamamoto ("I" or "Affiant") hereby declares as follows:

1. I am currently an employee of Sony Corporation, which is also the sole assignee of the above-referenced patent application.
2. I have worked for Sony Corporation for over 20 years.
3. I have worked in the field of electrolyte batteries for over 18 years.
4. I have a degree in industrial chemistry from Utsunomiya University received on March, 1984.

5. In a series of experiments carried out by myself, or under my supervision, it has been determined that a non aqueous electrolyte secondary battery in accordance with the present invention having a first element (Ma) selected from the group consisting of zinc (Zn), cobalt (Co), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg), wherein the chemical formula of the manganese-contained complex oxide is $\text{Li}_x\text{Mn}_{2-y}\text{Ma}_y\text{O}_4$ and, wherein x is 1 and y=0.55 and has a second element selected from the group consisting of iron (Fe), zinc (Zn), cobalt (Co), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg), wherein the chemical formula of the nickel-contained complex oxide is $\text{LiNi}_{1-z}\text{Ma}_z\text{O}_2$ and wherein z is 0.20, exhibits a retention rate of general discharging capacity after preservation at high temperature of 95%, a high load discharging energy after preservation at high temperature of 2.9Wh, and a capacity retention rate at the 200th cycle at normal temperature (%) of 85.

6. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>Yoshihito Yamamoto</u>	<u>November 12, 2004</u>
Name	Date